

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(NORTHERN DIVISION)

MARK KOEHLER, *et al.*,

\*

Plaintiffs,

\*

v.

\*

Civil Action No.: 10-cv-01922

WELLS FARGO BANK, N.A., *et al.*,

\*

Defendants.

\*

\* \* \* \* \*

**MOTION OF WELLS FARGO BANK FOR TERMINATION OR DISMISSAL OF THIS  
ACTION DUE TO PENDENCY OF SAME COMPLAINT IN CASE NO. 10-cv-01903**

Defendant Wells Fargo Bank, N.A. ("WFB"), by its undersigned counsel, hereby moves this Court to administratively terminate or dismiss this case without prejudice. In support of this Motion, WFB states as follows:

1. This action was commenced by the Plaintiff on or about June 4, 2010 in the Circuit Court for Carroll County, Maryland naming WFB, Patrick McCormick and McCormick Mortgage Services as defendants.

2. Unbeknownst to WFB's counsel, the underlying state court complaint was removed by Defendants, Patrick McCormick and McCormick Mortgage Services (the "McCormick Defendants") on July 16, 2010. The Clerk assigned Case No. 10-cv-01903 to the removal action initiated by the McCormick Defendants.

3. Unaware of the McCormick Defendants' earlier removal of the state court action, on July 16, 2010, WFB filed a second notice of removal in this Court of the state court action (the "Second Removal"). The Second Removal was assigned Case No. 10-cv-01922.

4. Accordingly, there are two identical cases now pending in this Court, for which WFB apologizes.

WHEREFORE, Wells Fargo Bank, N.A. prays that this Honorable Court enter an Order administratively terminating this action or dismissing it, without prejudice, and directing the Clerk of the Court to re-docket all papers and pleadings filed in this case in Case No. 10-cv-01903, if not already docketed therein. A proposed Order is attached.

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**CERTIFICATE OF SERVICE**

I hereby certify on this 31<sup>st</sup> day of July, 2010, that a copy of the foregoing Consent Motion was served via electronic filing and/or first class mail, postage pre-paid, upon:

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